

1 STEFANIE T. SHARP, ESQ.
2 Nevada Bar No. 8661
3 ROBISON, BELAUSTEGUI, SHARP & LOW
4 71 Washington Street
5 Reno, Nevada 89503
Tel: 775-329-3151
Fax: 775-329-7941
E-mail: ssharp@rbsllaw.com

6 *Attorneys for William McGrane*

7
8 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

9 IN RE:

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11 ANTHONY THOMAS and
12 WENDI THOMAS,

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Debtors.

Case No. BK-N-14-50333-btb
Chapter 11

DECLARATION OF STEFANIE T.
SHARP IN SUPPORT OF NOTICE
OF REFUSAL OF AMERICAN
ARBITRATION ASSOCIATION TO
COMPLY WITH COURT ORDER
AND EX PARTE REQUEST FOR
COURT TO ISSUE ORDER TO THE
AMERICAN ARBITRATION
ASSOCIATION TO APPEAR AND
SHOW CAUSE FOR ITS FAILURE
TO COMPLY WITH AN ORDER OF
THIS COURT

Hearing Date: N/A – Ex Parte
Time: N/A – Ex Parte
Set By: N/A – Ex Parte

I, STEFANIE T. SHARP, of Robison, Belaustegui, Sharp & Low, under penalty
of perjury states that the following assertions are true and correct:

1. I am a duly licensed and practicing attorney in the State of Nevada, a shareholder
of the law firm of Robison, Belaustegui, Sharp & Low and represent the interests of William
McGrane herein. This Declaration is submitted in support of Notice of Refusal Of American
Arbitration Association To Comply With Court Order And Ex Parte Request For Court To Issue
Order To The American Arbitration Association To Appear And Show Cause For Its Failure To
Comply With An Order Of This Court filed herewith.

2. On May 30, 2014, I was notified via email communications between my client, William McGrane, and the American Arbitration Association (“AAA”) that it was refusing to proceed with the arbitration in the California State Court Action (as defined in this Court’s Order, Dkt. 45) contending that the automatic stay prevented it from doing so. Therefore, pursuant to Mr. McGrane’s request, I provided AAA with the following pleadings associated with the above entitled bankruptcy proceeding:

a. The Stipulation for Comfort Order, Dkt. 43, confirming the inapplicability of the automatic stay to the California State Court Action executed by our office as counsel for Mr. McGrane and Ms. Estes as counsel for the Debtors in the above entitled action;

b. This Court's Order, Dkt. 45, (the "Order") confirming the inapplicability of the stay the the California State Court Action; and

c. The Notice of Entry of the Order, Dkt. 46.

A true and correct copy of my email of May 30, 2014 to Sandra Marshall at AAA is attached hereto as Exhibit A.

3. On June 9, 2014, I received an email communication from Jeffrey Garcia at AAA confirming AAA's position that it was refusing to honor and comply with the Order. A true and correct copy of the email I received from Mr. Garcia on June 9, 2014 is attached hereto as Exhibit B.

DATED this 20th day of June, 2014.

By: /s/ Stefanie T. Sharp
Stefanie T. Sharp, Esq.
Counsel for William McGrane

Claudia Zaehringer

From: Stefanie Sharp
Sent: Friday, May 30, 2014 10:56 AM
To: 'AAA Sandra Marshall'
Cc: 'Anthony Thomas'; 'William McGrane'
Subject: RE: William McGrane V. Anthony Thomas - Case 01-14-0000-2456
Attachments: 43-McGrane.Debtors Stip for Comfort Order.pdf; 45- Order Approving Stip Comfort Order [McGrane].pdf; 46-Notice of Entry of Order.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Marshall: The stay does not apply to this matter and the U.S. Bankruptcy Court has issued its order confirming this to be the case. Attached for your file are:

1. The Stipulation for Comfort Order confirming the inapplicability of the automatic stay executed by our office as counsel for Mr. McGrane and Ms. Estes as counsel for Mr. Thomas; and
2. The associated Comfort Order confirming the inapplicability of the stay along with the Notice of Entry of Order.

There is no stay in effect with respect to this matter. Please have your in house counsel contact me if there are further questions in this regard.

Best regards. Stefanie Sharp

Stefanie T. Sharp
Robison, Belaustegui, Sharp & Low
71 Washington Street
Reno, NV 89503
Tel: (775) 329-3151
Fax: (775) 329-7941

-- CONFIDENTIALITY -- This email (including attachments) is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, please do not read, copy, or re-transmit this communication. If you are the intended recipient, this communication may only be copied or transmitted with the consent of the sender. If you have received this email in error, please contact the sender immediately by return email and delete the original message and any attachments from your system. Thank you in advance for your cooperation and assistance.

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Exhibit B

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Claudia Zaehringer

From: AAA Jeffrey Garcia <JeffreyGarcia@adr.org>
Sent: Monday, June 09, 2014 1:23 PM
To: Anthony Thomas; william.mcgrane@mcgranellp.com; Stefanie Sharp
Cc: AAA Jeffrey Garcia; AAA Sandra Marshall
Subject: RE: William McGrane V. Anthony Thomas - Case 01-14-0000-2456

Follow Up Flag: Follow up
Flag Status: Flagged

Case Number: 01-14-0000-2456

William McGrane
-vs-
Anthony Thomas

Dear Parties,

Again, thank you for your patience while we reviewed the parties' positions.

Based on the correspondence and court documents submitted to date, the AAA does not believe the Comfort Order provides AAA the authority to administer this arbitration as filed. The AAA will continue to hold this matter in abeyance and will follow any court order regarding claims against the debtor to be administered in the above captioned arbitration.

Thank you in advance for your consideration.

Sincerely,

Jeffrey Garcia

 **AAA Jeffrey Garcia**
Vice President

American Arbitration Association
6795 N. Palm Ave. 2nd Floor
Fresno, CA 93704
T:559 490 1860
F:855 433 3046
E:JeffreyGarcia@adr.org

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From: AAA Jeffrey Garcia
Sent: Friday, June 06, 2014 6:49 PM
To: Anthony Thomas; william.mcgrane@mcgranellp.com; ssharp@rbsllaw.com
Cc: AAA Jeffrey Garcia
Subject: William McGrane V. Anthony Thomas - Case 01-14-0000-2456

CERTIFICATE OF SERVICE

I served a true and correct copy of the within DECLARATION OF STEFANIE T. SHARP IN SUPPORT OF NOTICE OF REFUSAL OF AMERICAN ARBITRATION ASSOCIATION TO COMPLY WITH COURT ORDER AND EX PARTE REQUEST FOR COURT TO ISSUE ORDER TO THE AMERICAN ARBITRATION ASSOCIATION TO APPEAR AND SHOW CAUSE FOR ITS FAILURE TO COMPLY WITH AN ORDER OF THIS COURT on June 20, 2014, by the following means to the persons as listed below:

X Electronically pursuant to the Court's **ECF System** to:

KEVIN A. DARBY on behalf of Creditor FM HOLDINGS
kevin@darbylawpractice.com, alecia@darbylawpractice.com;
sarah@darbylawpractice.com; itati@darbylawpractice.com;
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Creditor MARKET LINK INC.
kevin@darbylawpractice.com, alecia@darbylawpractice.com;
sarah@darbylawpractice.com; itati@darbylawpractice.com;
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Creditor JERRY FERRARA
kevin@darbylawpractice.com, alecia@darbylawpractice.com;
sarah@darbylawpractice.com; itati@darbylawpractice.com;
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Creditor TODD ARMSTRONG
kevin@darbylawpractice.com, alecia@darbylawpractice.com;
sarah@darbylawpractice.com; itati@darbylawpractice.com;
tricia@darbylawpractice.com

KEVIN A. DARBY on behalf of Interested Party KIT MORRISON
kevin@darbylawpractice.com, alecia@darbylawpractice.com;
sarah@darbylawpractice.com; itiati@darbylawpractice.com;
tricia@darbylawpractice.com

1 TIMOTHY A LUKAS on behalf of Creditor BEACH LIVING TRUST JOHN BEACH,
2 AS TRUSTEE
3 ecflukast@hollandhart.com

4 WAYNE A. SILVER on behalf of Creditor KENMARK VENTURES, LLC
5 w_silver@sbcglobal.net, ws@waynesilverlaw.com

6 WAYNE A. SILVER on behalf of Plaintiff KENMARK VENTURES, LLC
7 w_silver@sbcglobal.net, ws@waynesilverlaw.com

8 ALAN R SMITH on behalf of Debtor AT EMERALD, LLC
9 mail@asmithlaw.com

10 ALAN R SMITH on behalf of Debtor ANTHONY THOMAS
11 mail@asmithlaw.com

12 ALAN R SMITH on behalf of Jnt Admin Debtor AT EMERALD, LLC
13 mail@asmithlaw.com

14 ALAN R SMITH on behalf of Joint Debtor WENDI THOMAS
15 mail@asmithlaw.com

16 AMY N. TIRRE on behalf of Creditor KENMARK VENTURES, LLC
17 amy@amytirrelaw.com, admin@amytirrelaw.com

18 AMY N. TIRRE on behalf of Plaintiff KENMARK VENTURES, LLC
19 amy@amytirrelaw.com, admin@amytirrelaw.com

20 U.S. TRUSTEE - RN - 11
21 USTPRegion17.RE.ECF@usdoj.gov

22 X United States Mail, postage prepared to:

23 American Arbitration Association
24 6795 N. Palm Ave. 2nd Floor
25 Fresno, California 93704
26 Attn: Jeffrey Garcia, Vice President

27 X By Email to:
28 Jeffrey Garcia, Vice President - JeffreyGarcia@adr.org

29 DATED: June 20, 2014.


CLAUDIA ZAEHRINGER